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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

EPIC GAMES, INC.,

Plaintiff,

vs.

APPLE INC.,

Defendant.

No. 4:20-CV-05640-YGR

**DECLARATION OF M. BRENT
 BYARS IN FURTHER SUPPORT OF
 PLAINTIFF EPIC GAMES INC.'S
 MOTION FOR PRELIMINARY
 INJUNCTION**

Date: September 28, 2020, 9:30 a.m. (via
 Zoom Platform)

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

1 I, M. Brent Byars, declare as follows:

2 1. I am an attorney at the law firm of Cravath, Swaine & Moore LLP, and am one of
3 the attorneys representing Epic Games, Inc. in this action. I am admitted to appear before this
4 Court *pro hac vice*.

5 2. I submit this declaration in further support of Plaintiff Epic Games, Inc.'s Motion
6 for Preliminary Injunction (ECF No. 61). The contents of this declaration are based on my
7 personal knowledge and on information and documents provided to me by Epic Games, Inc. If
8 called as a witness, I could and would competently testify thereto.

9 3. Attached hereto as **Exhibit A** is a true and correct copy of a letter from Katherine
10 B. Forrest to counsel for Apple, Inc., dated August 27, 2020.

11 4. Attached hereto as **Exhibit B** is a true and correct copy of a letter from Richard J.
12 Doren to Katherine B. Forrest, dated August 28, 2020.

13 5. Attached hereto as **Exhibit C** is a true and correct copy of an email thread,
14 including an email from M. Brent Byars to Jay P. Srinivasan, dated September 2, 2020.

15 6. Attached hereto as **Exhibit D** is a true and correct copy of an email from Yonatan
16 Even to Richard J. Doren and Jay Srinivasan, dated September 8, 2020.

17 7. Attached hereto as **Exhibit E** is a true and correct copy of a letter from Richard J.
18 Doren to Yonatan Even, dated September 10, 2020.

19 8. Attached hereto as **Exhibit F** is a true and correct copy of Apple's App Store
20 Review Guidelines, updated September 11, 2020 (last accessed September 18, 2020), available at
21 <https://developer.apple.com/app-store/review/guidelines/>.

22 9. Attached hereto as **Exhibit G** is a true and correct copy of Google's Google Play
23 Developer Distribution Agreement, effective as of June 12, 2020 (last accessed September 18,
24 2020), available at <https://play.google.com/about/developer-distribution-agreement.html>.

25 10. Attached hereto as **Exhibit H** is a true and correct copy of Google's Developer
26 Program Policy, effective as of August 12, 2020 (last accessed September 18, 2020), available at
27 [https://support.google.com/googleplay/android-](https://support.google.com/googleplay/android-developer/answer/9914283?visit_id=637360682421231288-1413471540&rd=1)
28 [developer/answer/9914283?visit_id=637360682421231288-1413471540&rd=1](https://support.google.com/googleplay/android-developer/answer/9914283?visit_id=637360682421231288-1413471540&rd=1).

1 11. Attached hereto as **Exhibit I** is a true and correct copy of an email from Steve Jobs
2 to Eddy Cue, dated February 6, 2011, which I obtained from the website of the House Committee
3 on the Judiciary (last accessed September 18, 2020), available at
4 <https://judiciary.house.gov/uploadedfiles/014816.pdf>.

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7 Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true
8 and correct and that I executed this declaration on September 18, 2020 in New York City, New
9 York.

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M. Brent Byars